

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF DELAWARE**

TYRRAN SMITH and TATRA	:	
BRADSHAW individually and as	:	C.A. No. 21-1451-RGA
administrators of the ESTATE OF	:	
DENISE BRADSHAW,	:	
	:	
Plaintiffs,	:	
	:	JURY TRIAL OF 12 DEMANDED
v.	:	
	:	
NELI SERAFIMOVA, M.D.,	:	
WESLEY EMMONS, M.D., JOHN	:	
D'AMBROSIO, D.O., MICHAEL	:	
VAN WINKLE, D.O., and ST.	:	
FRANCIS HOSPITAL, INC.,	:	
	:	
	:	
Defendants.	:	

**STIPULATION AND [PROPOSED ORDER]
TO REMAND BACK TO SUPERIOR COURT
OF THE STATE OF DELAWARE**

TO ALL PARTIES AND THE HONORABLE COURT:

IT IS HEREBY STIPULATED by and between all parties as follows:

1. Plaintiffs Tyrran Smith and Tatra Bradshaw Individually and as Administrators of the Estate of Denise Bradshaw, filed a Complaint against Defendants Neli Serafimova, MD, Wesley Emmons, D.O., John D'Ambrosio, D.O., Michael VanWinkle, D.O. and St. Francis Hospital, Inc. in Delaware Superior Court for medical negligence and Wrongful Death related to COVID-19 Countermeasures.

2. Defendants, Serafimova and VanWinkle filed a Notice of Removal on October 14, 2021, to the United States District Court for the District of Delaware under 28 U.S. C. § 1441(a) and 28 U.S.C. § 1442(a)(1), on the basis of federal officer and federal question jurisdiction.

3. On August 19, 2022, this Honorable Court issued an Order to Show Cause why the case should not be remanded given the Third Circuit holding in *Est. of Maglioli v. Andover Subacute Rehab. Ctr. I*, 478 F. Supp. 3d 518, 522 (D.N.J. 2020), *aff'd sub nom. Maglioli v. All. HC Holdings LLC*, 16 F.4th 393 (3d Cir. 2021))).

4. All parties stipulate to remand this matter back to the Superior Court of Delaware, C.A. No. N21C-08-245 JRJ and jointly request that this Court Order said remand to State Court.

5. The parties further stipulate that they shall bear their own costs.

[SIGNATURE BLOCK ON FOLLOWING PAGE]

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Attorney for Defendants, Neli Serafimova, M.D. and Michael Van Winkle, D.O.

IT IS SO ORDERED this 9th day of September, 2022.

/s/ Richard G. Andrews

The Honorable Judge Richard G. Andrews